



July 28, 2003

William J. Douros, Superintendent
Monterey Bay National Marine Sanctuary
National Oceanic and Atmospheric Administration
299 Foam Street
Monterey, CA 93940

Re: Joint Management Plan Review Proposed Action Plans for the Monterey Bay National Marine Sanctuary (MBNMS)

Dear Mr. Douros:

The Resources Agency and several of its constituent agencies have reviewed the above-referenced document per your request. We appreciate the opportunity to provide input to the proposed action plans and applaud your efforts to be inclusive in your outreach efforts.

The California Coastal Commission and California Department of Fish and Game (DFG) have both provided specific comments, which are attached. While the attached comments address a wide variety of issues, there are several overarching comments that apply to the process and plans as a whole. In addition to the Commission and DFG, these overarching comments reflect the concerns of the California Department of Boating and Waterways and California Department of Parks and Recreation

1. The referenced document highlights a large number of accomplishments made since the designation of the MBNMS over a decade ago. A myriad of participants—community members, nonprofits organizations, research institutions, and government agencies at the local, state and federal levels—are to be congratulated for those successes. We are impressed with the degree of continued collaboration and partnerships that have been proposed or suggested for additional support by the MBNMS through the revised management plan. The only caution we would offer at this time is that the desired participation and support of potential partners may be substantially restricted for some time due to ongoing budgetary concerns at multiple levels of government. We recognize that these action plans represent a long-term blueprint for MBNMS management attention over the next five to ten years and, therefore, it is appropriate that this plan address a full suite of issues. However, we believe a collaborative approach to setting realistic priorities among the various action plans and participants, taking into account the most pressing management issues and current limits to organizational resources, will be a necessary next step.

2. A number of the issues or concerns identified in the action plans are already being addressed through existing programs, which in some cases needs to be more fully acknowledged. We strongly support leveraging the resources and leadership of those programs

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California Conservation Corps • Department of Boating & Waterways • Department of Conservation • Department of Fish & Game • Department of Forestry & Fire Protection • Department of Parks & Recreation
Department of Water Resources • California Coastal Commission • California Tahoe Conservancy • Coachella Valley Mountains Conservancy • San Joaquin River Conservancy • Santa Monica Mountains Conservancy
Colorado River Board of California • Energy Resources, Conservation & Development Commission • San Francisco Bay Conservation & Development Commission • San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy
Bridgman Hills Conservancy • State Coastal Conservancy • State Lands Commission • State Reclamation Board • Native American Heritage Commission



and achieving synergism as much as possible through linkages with MBNMS programs. Duplication of existing efforts should be avoided whenever possible. Three examples include desalination, beach nourishment and fisheries, where the State of California has active working groups in place to address these issues. We have included suggested language changes to help facilitate integration of MBNMS activities with these ongoing efforts.

3. The California coast is one of the most highly regulated areas in the country and any consideration of additional regulations or permitting processes should be approached cautiously and with the intent of adding value where something is lacking. In some cases we may need further discussion regarding the appropriate balance of state and federal regulatory responsibilities in these areas. It would be unfortunate to add regulatory or permitting processes that are unnecessary. We do, however, encourage those strategies aimed at addressing gaps in existing processes.

4. Some of the strategies, as written, could negatively impact the implementation of important state resource management programs. Examples are strategies within the coastal armoring and harbors and dredge disposal action plans that, combined with wording in the current management plan, would disallow or significantly discourage considering environmentally sound beach nourishment where it could be used to maintain public beaches and potentially avoid hard protective devices. Suggestions are made to address these potential impacts.

Thank you again for the opportunity to comment and actively participate in the joint management plan review process underway at the Monterey Bay National Marine Sanctuary. We look forward to continuing our participation in this process and maintaining a successful working relationship with your staff.

Yours sincerely



Mary D. Nichols
Secretary for Resources

Attachments

cc: Brian E. Baird, Ocean Program Manager
Peter Douglas, Coastal Commission
Raynor T. Tsuneyoshi, Department of Boating and Waterways
Robert C. Hight, Department of Fish and Game
Ruth Coleman, Department of Parks and Recreation
Paul D. Thayer, State Lands Commission

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July 25, 2003

William J. Douros, Superintendent
Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, California 93940

Subject: *JMPR/MBNMS Proposed Action Plans Report*

Dear Superintendent Douros,

We are very pleased to submit comments on the Joint Management Plan Review (JMPR) Proposed Action Plans for the Monterey Bay National Marine Sanctuary (MBNMS). As a state agency directly involved with the protection of California's marine and coastal environment, we appreciate the breadth and depth of the Sanctuary's commitment to the protection of the Sanctuary's resources. As an early advocate of the Sanctuary's designation in 1992, and as an original member of the Sanctuary Advisory Council, we are impressed with the progress that has been made in the last ten years, and the increasing capacity of the MBNMS for effective marine resource management. Through years of hard work, the Sanctuary has become an integral piece of the marine and coastal management system for the central coast of California. Your staff should be congratulated.

The MBNMS has also become an important governing organization that provides a forum to bring together and integrate the wide variety of concerns with the management of the Sanctuary. In particular, from our standpoint it provides an important integration mechanism for the resource agencies of California involved with management of ocean and coastal resources. Overall, the Joint Management Plan Review process is an important step in our mutual efforts to improve the management and protection of the significant resources of the Monterey Bay Marine Sanctuary. It is in this spirit of resource management partnership that we offer the following comments.

A. General Comments

The Coastal Commission strongly supports the breadth and depth of the various proposed action plans. The plans have been built on a comprehensive and lengthy public process, including issue scoping, development through specific working groups and targeted outreach. As a participant in at least five of these working groups, we applaud the tremendous effort that has gone into the development of the action plans. With the exception of one issue discussed below (wetlands), the action plans appear to provide a comprehensive and solid framework for Sanctuary management in the next decade. We also acknowledge and support the inclusion of an "Emerging Issues" action plan in the JMPR - a critical component for any effective resource management program.

Overall, we are supportive of the vast majority of information and identified strategies in the JMPR. For example, Commission staff strongly supports the Action Plan to address potential impacts to sensitive marine areas, such as benthic habitats. To the extent habitat protection is an important issue, though, the Sanctuary may wish to consider reorganizing the Action Plans to emphasize the multiple types of marine and coastal habitats, as well as the various types of corresponding potential impacts. For example, Submerged Cables may also affect marine habitats. We also support the inclusion of the Davidson Seamount Action Plan as it highlights an opportunity for potential management of a special and unique marine feature and associated habitats. Finally, we support the inclusion of the Special Marine Protected Areas Action Plan as a significant management tool available for protecting coastal and marine ecosystems.

We also would like to acknowledge the effort that has gone into identifying key management partners in the various issue areas. One of the most important benefits of the Monterey Bay Sanctuary designation was the establishment of a forum and mechanism for bringing various interests together, and for spanning ocean management issues that might otherwise be addressed in more fragmented and limited ways by other governmental agencies. In particular, the MBNMS brings more resources to the table to facilitate comprehensive and integrated resource management. For example, we support the *Harbors and Dredging Action Plan HDD-1* to improve agency coordination in the dredging permit process.

Similarly, the *Big Sur Coastal Ecosystem Coordination Action Plan* is a particularly good example of this additional management capacity potentially provided by the Sanctuary. There is a tremendous need to improve communication and coordination between the various agencies involved with ecosystem protection along the Big Sur coast. The Action Plan appropriately identifies a need for providing integrated data and public information, and improved inter-agency coordination and planning. Overall, the Commission fully supports this Action Plan, although we recognize the inherent challenges, and considerable time involved, with developing an integrated plan for the Big Sur Coast. We also specifically appreciate that the on-going work of various agencies related to the Caltrans' *Coast Highway Management Plan (CHMP)* is identified in the JMPR document as one of the most urgent priority MBNMS management issues for the Big Sur Coast and the Big Sur Ecosystem action plan, including the Sanctuary's commitment to implementing the various identified tasks related to landslide disposal.

Related to the integration of management activities, research is appropriately mentioned in various places throughout the JMPR document. However, we feel that it would be valuable to focus more specific attention on two aspects of marine research activities. First, the Sanctuary may wish to consider a focused Action Plan or strategy to identify and link research needs in support of each Action Plan. All too often research efforts are not sufficiently linked to on-the-ground management needs; nor is management always informed by the best science available. Second and related, we suggest that more explicit links be made between the SIMON program – an important existing marine resource monitoring program – and the various Action Plans.

In terms of management capacity and the “value-added” of the MBNMS, the JMPR is full of opportunities to share information and other management resources. For example, it appears that

an impressive array of data has been assembled in support of the Cross-cutting Issue Boundary Issues Action Plan. To support the various marine management partnerships, we recommend and encourage that this information and particularly the GIS data be widely shared with other resource management agencies. Similarly, we appreciate the strategy to accomplish, among other things, the identification, mapping, and documentation of traditional communities and sites related to the Maritime Heritage of the Sanctuary. The Commission has become increasingly concerned about the potential loss of archaeological and cultural resources in the coastal zone. The MBNMS can play a valuable role in underscoring this concern, and in bringing resources to the efforts to acknowledge and preserve our cultural heritage.

We remain committed to the Water Quality program of the Sanctuary, and our on-going collaborative effort to improve the water quality of the Sanctuary. We appreciate the recent meeting that we had concerning the MOA, and we look forward to its revision consistent with the goals and objectives that we discussed. We believe it will continue to serve as an important framing document for protection of the MBNMS.

Finally, we would like to applaud the Sanctuary's attention to education and outreach in both its first ten years, and in the anticipated management plan for the next decade. For example, the *Multicultural Outreach Action Plan* will be an important piece of the Sanctuary program. Ultimately, education and outreach is one of our most effective management mechanisms for instilling a sense of individual stewardship responsibility and the importance of resource protection, as well as a sense of place, in our citizenry. The Sanctuary has become an important institutional resource in this regard and we look forward to continued collaboration in marine and coastal education and outreach efforts.

Below, please find specific comments organized by Action Plan, with page breaks between separate plans to facilitate distribution.

B. Specific Comments/Recommended Changes

Part II—Coastal Development Issues Coastal Armoring Action Plan

Strategy CA-2: Develop and Implement Regional Approach

Activity 2.7 currently reads:

Consider Sand Supply Program

If warranted, based on above scientific evaluation (Activity 1.2, A) and needs assessment, consider an environmentally sound sand supply program for beaches, and develop and implement monitoring protocols for the program. Evaluate as potentially avoiding armoring or mitigating armoring. If deemed appropriate, such a program involving beach nourishment within MBNMS boundaries may require future revision of Sanctuary regulations; or could occur via permit or authorization.

The Coastal Commission (and other State Agency partners) are concerned that this action plan activity does not adequately detail the necessary steps for fully evaluating the potential pursuit of beach nourishment projects within the Sanctuary. Below we suggest adding some additional steps to the related **Strategy CA-1 Issue Characterization and Needs Assessment** to help direct important research and information collection for this evaluation. We also propose modifying Activity 2.7, and adding additional activities in concert with these modifications, to allow for a pilot project to establish and test the means for potential sand replenishment projects. (Related comments can be found on the Harbors and Dredge Disposal Action Plan Strategy 5.) (Note: suggested additions shown in **bold** and edits shown in ~~strikeout~~.)

Strategy CA-1 Issue Characterization and Needs Assessment

Activity 1.2: Compile and Analyze Data

- A. Assess individual and cumulative impacts of coastal armoring on sand supply dynamics, marine biological habitats and ecosystems, and public access
- B. Compile information on, or conduct studies to, estimate coastal bluff erosion rates, and shoreline change rates (Commission with NOAA Coastal Fellow)
- C. **Identify areas exhibiting highest erosion rates and/or longterm diminished beach width (with adjacent development or recreational areas that might be affected) for intensified analysis; convene agency working group to scope necessary research agenda; and, work with federal, state, and local agencies to gather site specific information and to promote and elicit additional study from regional universities, California Sea Grant, SiMON and others**

- D. Compile or conduct regional evaluation of sand transport dynamics and beach nourishment, with initial emphasis being given to areas identified as experiencing greatest threats under part C

File
Strategy CA-2: Develop and Implement Regional Approach

Activity 2.7: ~~Consider~~ Pursue Sand Supply Program

~~If warranted,~~ Based on above scientific evaluation (Activity 1.2, A-D) and needs assessment, ~~consider~~ pursue an environmentally sound sand supply program for beaches, and develop and implement monitoring protocols for the program.

A. Convene an agency working group to identify appropriate sources of beach quality material and one or more locations for one or more pilot demonstration projects that might receive a MBNMS scientific research permit (and other necessary agency permits) to test and develop appropriate sand supply and renourishment program options. (Consideration should be given to choosing the Pillar Point area as a potential pilot project site in tandem with Strategy HDD-5: Alternative Disposal Methods.) Develop a coordinating mechanism with the California Coastal Sediment Master Plan working groups to promote the exchange of information and ideas. ~~Evaluate as potentially avoiding armoring or mitigating armoring~~

B. If appropriate sources of sand and potentially beneficial nourishment sites can be identified, the pilot study(ies) would develop specific research objectives and study methodologies. A key aspect of designing the pilot project(s) will be to test the necessary criteria for potentially implementing a beach nourishment project/program, including essential information needs and appropriate kinds of beach materials, coastal locations and littoral conditions. In addition, criteria for "success" will also need to be developed. The criteria could include recreational access, shoreline protection and habitat benefits, the potential for using maintained nourishment to avoid or mitigate for shoreline armoring, and other identifiable overall benefits to Sanctuary resources. ~~If deemed appropriate,~~

C. At the conclusion of this/these demonstration pilot project(s), the agency working group should evaluate the desirability of, and necessary steps for, continuing ~~such~~ a program involving beach nourishment within MBNMS boundaries. This evaluation should also examine whether ~~may require~~ revision of Sanctuary regulations ~~may be warranted;~~ or ~~could~~ if a beneficial program might continue ~~via~~ Sanctuary permit or authorization in concert with other regulatory agencies.

Finally, the "potential partners" section of these Action Plans appears to have been inadvertently omitted. At a minimum, we believe the agencies represented in the working group should be identified as well as other appropriate participants from the California Coastal Sediment Master Plan working groups.

Strategy CA-3: Permit Program Improvements

The Coastal Commission will look forward to continuing our regulatory review partnerships with the Sanctuary and others, including the identification of means to improve our processes. While we believe it is implicit in these action plans that we can only incorporate issues and concerns into coastal development permits (and related reviews) as appropriate under our statutory authorities, for clarity we suggest that the term "**as appropriate**" be included at the end of Activities 3.2 and 3.4. For related reasons, we also suggest that the last clause under Activity 3.3 be changed to read "and where possible **seek to rectify discrepancies.**"

Part II—Coastal Development Issues

Desalination Action Plan

The Coastal Commission commends the Sanctuary staff for the excellent job they have done in reflecting the direction of the working group. The desalination issue is a significant issue in California, and it is important that we have strong management systems in place to protect the public trust ocean resources necessarily involved. Given the critical importance of water to our communities, it is important to emphasize the need for strong public management of desalination facilities. We offer the following comments and suggestions to better reflect our understanding of the Commission's role as a partner in addressing this issue area and to more accurately represent what we believe was the general consensus of the working group discussions.

Background Section

p. 24, *Potential Impacts of Desalination*

We suggest that the fourth sentence of the first paragraph be changed to read: "Furthermore, it is important to consider that ~~all~~ most other methods of obtaining municipal fresh water also involve major environmental impacts."

p. 27, *Strategy DESA-1: Regional Desalination Program*:

Strategy Description, sentence 2: "~~There is a need for a~~ A comprehensive regional approach to address the issue of desalination, ~~to~~ would likely minimize the impacts to resources. ~~This will,~~ and provide increased coordination and planning..."

Activity 1.1, bullet C: "Ensure opportunity for input from local jurisdictions **and the interested public.**"

Activity 1.1, add a bullet H: "**Articulate the public policy benefits of ensuring that desalination facilities are publicly owned and operated and detail the criteria for determining whether or not a facility operator qualifies as meeting this definition.**"

We think privatization of public water services provided by desalination facilities relying on the expropriation of public trust resources (i.e., ocean waters) is not good public policy and should not be allowed.

Activity 1.2, first sentence: "MBNMS staff will encourage development of a regional plan ~~by the California Coastal Commission~~ including involvement by state and local jurisdictions..."

and add at the beginning of the second sentence: "**Affected local governments, AMBAG, the Coastal Commission and other appropriate land use entities will be looked to for providing information and analysis on the potential growth inducing impacts of desalination plants in the region and....**"

p. 29, Strategy DESAL-2, Activity 2.3, bullet D: "Review of alternatives analysis for water supply needs in the area and supply options under NEPA and CEQA."

p. 30, Strategy DESAL-3, Activity 3.1, bullet B: "Use of materials that minimize the corrosion or release of hazardous substances."

p. 31, Strategy DESAL-4, Activity 4.1, bullet B: ~~"Acceptance of credible~~ **Identify which models that shall be a standard for defining criteria for the zone of initial dilution will be accepted for determining discharge characteristics in the Sanctuary."**

p. 31, Strategy DESAL-4, Activity 4.2, add an information requirement: **I. Facility plans, and anticipated operations and management plans, including identification of potential land and water use implications stemming from plans to ensure public safety against possible hostile actions.**

We also recommend that for each of the 5 Action Plans under the Desalination Issue Area, the following activity should be globally inserted so that MBNMS may take optimum advantage of the corollary work that State of California agencies are undertaking on this topic:

Sanctuary staff will continue to participate in other desalination initiatives, particularly the Desalination Task Force convened by the California Department of Water Resources, and will actively seek to include the information and relevant recommendations emanating from those efforts into these Action Plan as appropriate.

**Part II—Coastal Development Issues
Harbors and Dredge Disposal Action Plan**

Strategy HDD-5: Alternative Disposal Methods

For essentially the same reasons described in our comments on Strategy CA-2, the Coastal Commission recommends minor modifications to *Activity 5.1 Evaluate Potential Beneficial Usage of Dredged Materials* in order to provide a more detailed blue print for pursuing potentially beneficial sand nourishment projects in conjunction with the dredging of clean materials from harbors.

Accordingly, we suggest the following changes:

Activity 5.1 Evaluate Potential Beneficial Usage of Dredged Materials

Part C. add “or beach nourishment.”

Part E. Recognizing that littoral sand is a MBNMS resource for various habitat, recreation, access and shoreline protection reasons, identify if, when and where beach nourishment is appropriate. and what Corollary to Strategy CA-2 activities, identify the criteria and data is needed to make that determination (including an evaluation of sand transport and science needs and pursuit of a comprehensive research strategy). Should future scientific results and harbor needs- In addition, assess individual and cumulative impacts to sand transport and shoreline dynamics due to existing harbors and artificial groins within the Sanctuary. Estimate the quantity of sand and sand-generating beach material that is trapped by such structures, and assess means to bypass such materials and replicate natural processes to the degree feasible. If this investigation indicates that employment of additional beach nourishment sites using clean dredged harbor material would be possible and appropriate, examine whether revision of Sanctuary regulations may be warranted; or if a beneficial program might occur via Sanctuary permit or authorization in concert with other regulatory agencies. ; MBNMS regulations would need to be revised in the future.

Part II—Coastal Development Issues

Submerged Cables Action Plan

Coastal Commission staff strongly support the proposed Activity 1.1 of identification of environmentally sensitive areas. We would suggest that Activity 1.1 to be modified so that special attention is paid to high-relief rocky substrate, as opposed to low relief, because (a) high relief is relatively rare as a habitat type and requires protection; and (b) suspensions of cable over high relief can potentially snag fishing gear, entangle marine mammals, and damage habitat.

With regard to Activity 1.2, development of guidelines for siting constraints for submerged cables, Coastal Commission staff support close cooperation with the Coastal Commission and the other agencies listed as potential partners. Establishment of cable corridors involves a complex set of legal and environmental issues. Also, the Sanctuary may wish to investigate the discussion that occurred on this issue in a California state fiber optic cable task force in 2000.

With regard to Activity 2.1, development of permit pathway and applicant guidelines, Coastal Commission staff suggest that the Sanctuary make a clear distinction between commercial cables and cables proposed for other public interest purposes such as research, education or defense. Further, the Sanctuary should consider prohibiting the installation of new commercial cables within the Monterey Bay National Marine Sanctuary given the significance of the resources, particularly where alternatives outside of the Sanctuary are available. One primary criteria for the selection of the MBNMS for designation as a Sanctuary was its highly unusual geology. Not only is this unusual geology worth preserving from unnecessary, non-research-related seabed alteration, such geology is not conducive to the feasibility of high burial rates for a commercial cable installation.

In addition, an important element that should be included in the permit guidelines, from Coastal Commission staff's perspective, is a required fishing agreement for any permitted cable. Such fishing agreements address liability for fishing cable gear entanglement or loss, compensation for preclusion due to installation or sites where the cable cannot be buried and therefore becomes a de facto no fishing zone, and notification of fishers regarding cable coordinates, etc.

With regard to Activity 2.2, the development standards are excellent overall. However, with regard to cable burial rates, Sanctuary staff should be aware that in the experience of Coastal Commission staff, applicants are rarely able to achieve predicted cable burial rates. The Olympic NMS has had significant problems with the gap between predicted and actual burial rates for a commercial cable that was allowed to be installed there.

With regard to Activity 2.3, the identification of standard cable permit conditions seems desirable, however it has been the experience of Coastal Commission staff that such conditions often need to be (a) tailored to the specifics of a particular project to be effective or relevant; and (b) adjusted or improved over time to reflect additional knowledge, technical improvements, experience with other projects, or economic concerns.

For Activity 2.4, if the Sanctuary decides to allow special use permits for commercial cable projects, Coastal Commission staff strongly urge the Sanctuary to require adequate fees and bonds. Coastal Commission staff previously commented on the adequacy of the analysis performed by the Sanctuary regarding appropriate fee amounts for commercial cables in national marine sanctuaries and expressed concern that estimated fee amounts would be inadequate (text of the letter is attached). In addition, Coastal Commission staff strongly recommend that the Sanctuary consider the desirability of requiring performance bonds for any permitted commercial cable project. Such bonds may or may not be required by the California State Lands Commission or the Coastal Commission depending on ownership of submerged lands, but in federal waters the Sanctuary might be the appropriate entity to require performance bonds to ensure that cables are routinely properly inspected, maintained, and eventually removed if removal is determined to be the most environmentally preferable option. Such bonds are essential given the mutability of corporate ownership and the recent financial insolvency of many large telecommunications companies. The amount of such a bond is important and varies widely from state to state. Coastal Commission staff would be happy to provide additional information that has been obtained during research that was already performed related to previously permitted cable projects.

Part III—Ecosystem Protection Issues
Emerging Issues Action Plan

In the Introduction section of the Action Plan, consider adding offshore aquaculture in federal and EEZ waters, as National Marine Fisheries Service has been considering this form of development in the last few years. Aquaculture in federal waters and the EEZ could become more technically and commercially viable in the future, so it should be tracked as a potential emerging issue. You may wish to consider adding the Coastal Commission as a potential partner for EI-1 and EI-2 as we also attempt to track emerging issues and often have an early regulatory role in identifying and addressing them.

Part IV—Operations and Administration
Permit Program

With regard to Activity 9.9, Enforcement, the Sanctuary may wish to add the Commission as a potential partner in strengthening enforcement. In the past we have found it to be beneficial to coordinate with the Sanctuary in enforcement matters along the coastline. Notwithstanding the current budget situation in California, we have been able to strengthen our own Enforcement Program and capacity in recent years and would like to continue to do so as through regulatory partnerships as resources allow.

Part V—Water Quality Issues

Water Quality Protection Program (WQPP) Implementation Action Plan/Revise Water Quality Memorandum of Agreement Action Plan

The Sanctuary has integrated many of the Coastal Commission's comments made during the working group process. As stated previously, we believe the WQPP is one of the most outstanding achievements of the Sanctuary and its partners and we appreciate the Sanctuary staff's leadership in coordinating efforts over the years. Specific to the draft action plans, we offer the following suggestions for revisions.

The background section at page 249 notes that "Rather than addressing new topics, this action plan incorporates recommendation of existing WQPP plans". However, the discussion does not recognize that six plans were originally scheduled for completion, including one addressing wetlands and riparian areas (formally Action Plan #6).

We understand that this issue area was given a lesser priority because of the other issue areas being addressed by the WQPP and the resource limitations to the program. However, because coastal wetlands are so critical to so many of the Sanctuary's resources, we do not believe the issue area should be completely eliminated from the WQPP Action Plan agenda. Furthermore, there are a number of ongoing efforts in this issue area by the Coastal Commission and others that the Sanctuary could capitalize upon. Accordingly, we recommend that the following draft action plan be forwarded to the WQPP Action Plan working groups for further discussion and incorporation into the **Water Quality Protection Program (WQPP) Implementation Action Plan** as Action Plan WQPP-24:

WQPP-24: Wetlands and Riparian Areas

Strategy W.1 Wetland Inventory and Assessment

Activity 1.1 In concert with related efforts, including the California Resources Agency ongoing program to identify and restore wetlands, compile coastal wetland maps and information to generate inventory for central California.

Activity 1.2 Assess health and quality of existing wetlands

Activity 1.3 Create historic map of wetlands and priority areas for restoration.

Strategy W.2 Wetland Regulation and Permit Review

Activity 2.1 Review current wetland protection activities and identify weaknesses

Activity 2.2 Identify mechanisms for more consistent protection of wetlands and buffers and opportunities for appropriate permit streamlining

Activity 2.3 Discuss wetland issues for land owners (e.g. endangered species, removal of wetland vegetation to bypass protection procedures, etc.) that limit restoration potential.

Activity 2.4 Evaluate wetland permitting obstacles and legal liabilities for created wetlands and water quality treatment systems.

Strategy W.3 Wetland Restoration Opportunities and Benefits for Water Quality

Activity 3.1 Review data to assess benefits to water quality from restoring coastal wetlands.

Activity 3.2 Generate policy statement for future restoration needs and allowances for appropriate uses of created wetlands for water quality protection purposes.

Activity 3.3 Integrate long term monitoring with restoration activities

Strategy W.4 Future Threats to Wetlands

Activity 4.1 Identify future impacts to wetlands from land use changes and urban growth demands

Activity 4.2 Evaluate the conflict between municipal flood control needs with wetland and riparian protection and restoration objectives.

Strategy W.5 Wetland Policy Implementation

Activity 5.1 Prepare guidance documents for local planners for appropriate policy integration into general plans and local coastal programs.

It may also be desirable to modify MOA activity 2.1 to ensure that appropriate attention will be given to wetlands through the WQPP. As such, the following language is suggested for addition: "The MOA shall reaffirm the commitment to the sixth action plan "Wetlands and Riparian Areas", with a schedule for its development."

Action Plan I: Implementing Solutions to Urban Runoff
Strategy WQPP-2: Technical Training

This strategy outlines the training objectives for the Urban Action Plan. The reference to expanded training for planning department staff is appropriate but the Coastal Commission believes that it would be prudent to elevate it to a separate activity so that it receives the same degree of attention as that of the "developers" audience in Activity 2.3. Specific topics for

planners that should be included in this activity are: how to review permits for WQ impacts (consistent with activity 4.1 & 7.2), proper selection of BMPs (WQPP-4) and how to integrate these BMPs with other municipal requirements (fire and public works). We suggest:

Activity 2.3: Develop and conduct training workshops with local planning staff and developers. Local planning department staff are currently being required to provide greater review of development projects regarding impacts to water quality. Staff are often overburdened with large numbers of permits and are unable to collect and interpret Best Management Practice monitoring results. To assist in improving project review for water quality protection, workshops and trainings should be conducted for planners and developers to raise their awareness of current ordinance requirements and stormwater / urban runoff controls that are effective at protecting water quality and that are appropriate for various types of development.

Strategy WQPP-4: Structural/Non Structural Controls

The Commission believe this strategy needs to be expanded. Current data and reports on local BMP success are not well coordinated. Such regional review would help support the use of appropriate BMPs and provide the planners and developers with up to date information. Additional activities should be to compile and report on recent BMP monitoring results (by the Commission and others) and highlight successes and identify specific limitations or problems associated with various types of BMPs.

Add or integrate following into WQPP-4: "Compile and report results of previous pilot projects and other regional BMP implementation studies. Highlight water quality results as well as identify limitations of the various technologies and identify additional information or studies needed to better select and design Best Management Practices for central coast development projects"

Strategy WQPP – 7: CEQA Additions

We believe this section should be expanded to reflect the recent steps forward regarding WQ policy modifications and expansion. In addition to adopting the CEQA checklist, cities and counties are now required through the Phase II stormwater permit to update "various ordinances" to integrate greater water quality protection. Similarly, the Coastal Commission is working to expand the protection of WQ within the Coastal Zone through Local Coastal Program updates. Through LCP updates the Commission has been assisting municipalities to include comprehensive WQ protection policies such as sizing requirements, BMP selection mechanisms and guidelines for specific land uses (gas stations). As part of the LCP updates, Cities and Counties also are being asked to develop a BMP guidance document.

This is a significant area in which the WQPP could facilitate discussions and mechanisms for improving policy based on current experience and data. The WQPP could host a set of Policy Subcommittee meetings to outline how ordinances can be brought up to date rapidly and consistently within the Sanctuary boundaries. This subcommittee could outline objectives of various legislative mandates (Phase II, Coastal Act, etc.) and how these mandates can be met and integrated using consistent data, permitting processes etc. Similarly, the subcommittee could evaluate how these ordinances can or should support the implementation of various action plan activities.

Accordingly, the Commission suggests adding:

Activity 7.4: Planning and Policy Working Group: The WQPP should host a set of working group meetings among those responsible for regulating new development for the protection of water quality. The working group should discuss how their permitting activities can be consistent with other Urban Action Plan activities and how required updates to various ordinances (Phase II requirement, LCP updates) can support the implementation of these activities.

Part VII—Wildlife Disturbance Issues
Marine Mammal, Seabird, and Turtle Disturbance Action Plan

We support Activities 1.3, 1.4, and 1.5 and would recommend additional coordination with the Commission's public education program to leverage additional outreach to public on these issues. In particular, in 1.4, there is a recommendation to develop a "dock walkers" program to instruct people on wildlife viewing. Since there already is a dock walkers program through the boating clean and green campaign (and related clean boating efforts) it may make more sense to augment those existing efforts to include addition information, rather than have more people out doing outreach to the same people.

Similarly, Activity 3.1 raises an opportunity for coordinated public education efforts with the Commission's public education program.

For Activity 4.5, collaborative efforts with the Regional Water Quality Control Boards should be encouraged to address these issues with municipalities and include trash and debris in upcoming NPDES permits for cities, etc.

Part VII—Wildlife Disturbance Issues
Motorized Personal Watercraft Action Plan

We support continued efforts to protect marine resources, including sensitive habitats and species, coastal water quality, and other forms of public recreation, through the regulation of MPWCs. The Commission has recognized the potential adverse effects of MPWCs in previous planning and regulatory actions, including finding that the prohibition of MPWCs in the Gulf of the Farallones Sanctuary was consistent with the Coastal Act and important to protect habitats, water quality, and other forms of coastal recreation. Depending on future Sanctuary actions related to this issue, the Commission's planning or regulatory authorities may be implicated (e.g. federal consistency review of changed regulations).

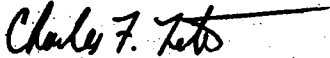
Part VII—Wildlife Disturbance Issues
Tidepool Protection Action Plan

Again, the Commission is supportive of actions and strategies to protect sensitive habitats. However, we do have a generalized concern that the management strategy for such issues not be presumed to be outright closure of a resource area. The Commission is charged with the often-difficult task of protecting habitat and maximizing public access to the shoreline. In our experience, this balance may sometimes be effectively struck through management of public access (for example, limited closures in time and space, education, protective fencing or directed access, etc.) rather than simple prohibitions to access. There are times, of course, when closures are warranted. Please accept this general observation as well for other proposed Action Plans that raise this issue.

C. Conclusion

In conclusion, let us reiterate our appreciation for being able to participate, review, and comment on the JMPR Action Plans. As we get closer to completion of the JMPR process, the significant efforts of everyone involved become that much more apparent. We look forward to continued collaboration in developing an effective management plan for the next decade of the Monterey Bay National Marine Sanctuary.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles F. Lester", with a long horizontal stroke extending to the right.

Charles Lester
Deputy Director